

**Notice of Allowability**

Application No.

10/829,407

Examiner

Seyed Azarian

Applicant(s)

RAGSDALE, CHARLES W.

Art Unit

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/1/2007.
2. ☒ The allowed claim(s) is/are 1,4-17 and 19-45, now renumbered as 1-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **Response to Amendment**

1. Based on applicant's amendment, filed 12/12/2006, see page 9 through page 10, of the remarks, with respect to cancellation of claims 2, 3, 18 and 46-52, and amended claims 1, 4-5, 7-8 and 17, have been fully considered and are persuasive, upon further consideration the rejection, of 102(e) and 103(a), are hereby withdrawn.
2. The claims 1, 4-17 and 19-45, now renumbered as 1-42 are allowed.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance.

This invention relates generally to imaging samples and more particularly relates to image samples having a response range that exceeds the measurement range of an imaging system.

Based on applicant's amendment, with respect to claim 1, the closest prior art of record (Gulati and Eisfeld) references teaches, "analyzing biological sample such as DNA, RNA, or portion samples and in particular to techniques for analyzing the output patterns of hybridized biochip microarray", but do not teach or suggest, among other things, "dividing each stored value of the measured response by the corresponding stimulus value to provide a normalized-response value, and for each normalized-response value, multiplying each normalized-response value by a highest stimulus value that is stored to generate the image, wherein these normalized-response values that are multiplied by the highest stimulus value that is stored are referred to as the image spots. Additionally with respect to claim 17 (Gulati and Eisfeld) references do not teaches "providing a normalized data set for the plurality of spots where each spot's normalized value represents a ratio of the stored response value and the corresponding stimulus value, and multiplying the normalized values by a highest stored stimulus value, and these values are the image-response values".

The reason for allowance of claims 20 and 34, set forth in the previous office action dated on September 20, 2006 are not repeated herein, but are incorporated by reference. As applicants

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properly point out in the previous remark, the prior art (Gulati and Einfeld) references fail to disclose the claimed limitations.

These key features in combination with the other features of the claimed invention are neither taught nor suggested by (Gulati and Einfeld) prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian  
Patent Examiner  
Group Art Unit 2624  
April 21, 2007

*Seyed azarian*